App F IX 4

Previous References

194 3 Mu Municipal

File No 42-43

Serial Nos 122, 123, 132

Later References
Mul 138-46 (5, 6)

GENERAL AND REVENUE SECRETARIAT

Serial Nos 3

Part B for August 1946

SUBJECT

Re: Elections of Mr. Halappa as the Vice President of the Shikaripur Town Mn C.

The Commissioner Mysore Gazette
Deputy Commrs. of All Dists

{ Lr No 11 & 63 dated 25 5 46
1532-Mu. 10 8 46

Approves & consequential orders

25/8/46

8257-843 714
2

From the D C Shimoga dt

No 173 P 2 447 c 2856/43 dt 10-5-44

Requests approval to the election of Sri. S Halappa as the Vice president of the Shikaripur Town Mnl Cl.

The result of the D C is subject for perusal in the enclosures. Thereon, a draft notification is subject approving of the election of Sri S Halappa as V P

subject

Mem 14/5 For favour of opinion if the procedure regd to above P V D (Form 9.) adopted by the President, Shikaripur Municipal is correct & does not amount to an irregularity under the election rules

Approved (Law section) Sd 15/5/44

Elo Reg no 20 16/5/44

3 Please send copy of the T M Act & T M Election Rules mentioned above

Sd 16/5/44

4 Copies of the Acts and rules referred to above are herewith put up.

16/5

17/5.

5

From the P O D it is seen that there were three candidates for the Vice — Pendarthy & the Chairperson from Illawarra Council no doubt, in declaring the result, as pointed out by the D C, the procedure prescribed in Rule 7 (11) of the Election Rules was not strictly followed In the first round alone, the V.P was declared to be duly elected The Quota is to be determined by, whether the election is valid or not.

6 Though there were three candidates for the Vice Pendarthy, Fact the Contest was actually between Hallett & Niebaswoff, for the third candidate Kotharyn got no votes at all & Rules have to be strictly followed then Kotharyn having no votes, I opine ballot taken was only serve no purpose at all, because in the first round alone, the no vote was given to Kotharyn at all, & the votes and votes for Hallett & Niebaswoff — & the vote sheet was invalidated, even if it had gone to Niebaswoffs, it would make no difference.

7 No doubt, it is an irregularity — but not a formal irregularity, which can be condoned under Rule 14 of the T U Election Rules The result of the election being to duly approved

Asst Secy
L S 9
4e

3
18/5/44

8 The irregularity has not materially affected the result of the election and as no objection has been received

3

9 The election may be effected by
Endorsing the necessary under
rule 14 of the rules for the
election of Councillors of
Townships, as suggested by the Law Section
In order to guard against
the repetition of such irregularities
through a formal nature —
a circular will be issued to
the effect that the rules in this
behalf should be strictly adhered to

OFFICE OF THE MINISTER
FOR L S G & P H
Date 1954
No 8066

minister dtd 16/5/54
20 s 6d
22 s 6d

11/Dec

GEN & REV SECTT

To,

The Comptroller, Hyd

L 11883 dt 25-5-64

Notifies the election

prefer action as requested
23/5

10.)
Dft-O as in subject as requested. A reference
is also made
to para 7, 9 & 10 of the
Repeal Act
1965 Chapter 17/7
CORE)
Draft O-M to appl
Law Secy for
Govt 2/8
3

711.2 [illegible]
2

~~Dept~~
Rome
Low
2/18/[illegible]

To,
The Dept of State
2 1532-40 & 10/[illegible]
Refers cable an instruction in
the matter

Bruce
12/8

ML 42-43-122

C F No 45]

GOVERNMENT OF MYSORE

Tele gram / phone

OFFICE OF

The Deputy Commissioner,
Shimoga District.
Shimoga

No L3 P L 44702856/43-44
Encls Records

Date 10th May 1944

To

The Legal Remembrancer and
Secretary to Government,
Law Department, Bangalore

Sir

Subject - Election of Mr S Halappa as non-official Vice-President of the Shikaripur Town - Municipal Council

In forwarding herewith, in original, report No M C 88/43-44 dated 4th April 1944, received from the President Town Municipal Council, Shikaripur, on the subject noted above, I have the honour to state as follows -

2 After the reconstitution of the Municipal Council with effect from 24th February 1944 vide Government Notification No L 8754/41-51-48-5 dated 23rd February 1944, necessary action was taken by the Municipal President to obtain the views of the Municipal Council to have a non-official Vice-President to the Municipality - vide Resolution copy dated 7th March 1944, enclosed for favour of reference

3 Thereafter, action was taken by the Municipal President to hold the election of the Vice-President in accordance with the ~~xxxxxxxx~~ rules on the subject The date of election was fixed for 4-4-1944 and the same was duly notified

4 From the Records it is seen that the marginally noted three candidates were nominated for the office of the Vice-President

Messrs
1 S Halappa
2 M. Kotraiya
3 H Mahadevappa

5 At a special General Meeting convened for the purpose on 4-4-1944, the election was duly held, when all the 21 members were present At the Election so held it is reported that votes secured by each candidate in the first round were as follows -

Messrs	Votes scored
S Balappa	12
P Kotraiya	0
Manalevappa	7

one vote was reported to be invalid and the three of the Councillors not voted

as Mr Balappa secured 12 votes, against seven votes scored by Mr P Manalevappa, the former Mr S Balappa was declared duly elected as Vice-President of the Municipality

6 A copy of the minutes of the proceedings of the meeting and the names of councillors present is forwarded herewith

7 The Municipal President requests that sanction might be accorded to the election of Mr S Balappa as Vice-President

8 I write to state in this connection that no objections have been received in this respect, contesting the validity of the election

9 As regards the procedure adopted by the Municipal President in declaring the result, by taking votes only once among the three contesting candidates, I write to state that the correct procedure should have been to eliminate the one who got the fewest and to repeat the taking of ballot till larger number of votes were secured between the two remaining contesting candidates

10 As the declaring of the result of the election in the first round alone does not materially affected and that as the validity of the election of Mr S Balappa has not been contested, I am of opinion that the irregular procedure adopted by the Municipal President in closing the ballot at the first round itself may kindly be condoned and the result of the election of Mr S Balappa as Vice-President of the Sorabur Town Municipality be kindly approved and caused to be notified- No objections have been received

I have the honour to be,
Sir,
Your most obedient servant,

for Deputy Commissioner,
Shimoga District

RR/1.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No 11883 / ML 42-43-123 General and Revenue Secretariat

Dated, Bangalore 25th May 194

NOTIFICATION

Under Section 23 (4) of the Mysore Town Municipalities Act, 1933, Mr. S. Kalappa is elected as the Vice President of the Shikaripur Town Municipal Council, Shimoga District.

By Order,

Secretary to Government,
Law Department.

JAM

To

The Compiler, Mysore Gazette, for publication in part III-B of Gazette and supply of ten copies thereof to the Secretariat and to the Deputy Commissioner, of the Shimoga District.

MR 42-43-123

L/11883

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore 25/5/44

NOTIFICATION

Under Section 23 (4) of the Mysore ~~Section 10 (4) of the Mysore~~ Town Municipalities Act, 1933 ~~Minor Municipalities Act, 1933~~ Mr S Halappa is elected as the Vice President of the Shikaripur Town Municipal Council ~~Minor Municipal Council~~ Shimoga District,

By Order,

Secretary to Government
Law Department

To—The Compiler Mysore Gazette for publication in Part III-3 of Gazette and supply of ten copies thereof to the Secretariat and to the Deputy Commissioner of the District Shimoga ~~Concerned~~

MEMO NO L/11884/WJR dt 25/5-

Copy of the above is forwarded with compliments to the Deputy Commissioner Shimoga District for information with reference to his letter No M3 P2 447c 2856/43 dated 10-5-1944

The records accompany

By Order,

For Secretary to Government,
Law Department

10 copies

L.I.S. 32-60/III 42-43-132

Official Memorandum

Rule 7 (c) of the rules relating to the election of Directors of Town Wards lays down as follows —

If there are more than two candidates, the one who obtains the fewest votes shall be eliminated after the first count and if there is an equality of votes among all the candidates or among two or more candidates lowest on the list, the Returning Officer shall have an equal vote with the presiding authority and shall decide by casting lots which of them shall be eliminated. The eliminated candidate shall be rejected until two candidates only are left, whereupon the candidate who secures the last three votes shall be declared elected. If no candidate secures more than two votes, the candidate who secures the largest number of votes shall be deemed to have been elected.

An instance has come to the notice of the Local Government Board where three candidates contested for the place of the Vice President of a Town Council on the date of election and in the first round, one of them did not secure any votes and the Presiding Authority closed the ballot immediately and

declared the result of election to the
Vice Presidency place as between the two
remaining contesting candidates. The procedure
adopted was irregular(ly) and contrary to the
provisions of the rule quoted above. The correct
procedure should have been to eliminate the
name of the person who found to receive the
lowest (fewest) votes on the first ballot & fill the larger number of votes
were secured, between the two remaining
contesting candidates. It is direct that
under no circumstance, should such an
irregularity be allowed to occur in future
& that the procedure prescribed in the
rule should be strictly followed

Members of Congress are requested to vote
ballots accordingly. In the event of
[illegible] in the Vice Presidency
[illegible] will be cast on their behalf

By order
Committee
Sergeant at Arms
House of Representatives

To: Members of Congress

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

L 1532-40
Jud 42-43-132

General and Revenue Secretariat,

Dated Bangalore, 10 August 1944

OFFICIAL MEMORANDUM

Rule 7 (ii) of the rules regulating the election of Vice-Presidents of Town and Minor Municipal Councils lays down as follows:-

"If there are more than two candidates, the one who obtains the fewest votes shall be eliminated and the votes taken again. If there is an equality of votes among all the candidates, or if two or more candidates lowest in the list have obtained an equal number of votes, the presiding authority shall ascertain by casting lots in the presence of the Councillors which of them shall be eliminated. The elimination shall be repeated until two candidates only are left, when votes shall be taken for the last time and the candidate who secures the larger number of votes shall be considered to have been elected" x x x

An instance has come to the notice of Government wherein three candidates contested for the place of the Vice President of a Municipal Council and on the date of election, in the first round, one of them did not secure any votes The presiding authority closed the ballot immediately and declared the result of election to the Vice President's place as between the two remaining contesting candidates. The procedure adopted was irregular and contrary to the provisions of the rule quoted above. The correct procedure should have been to eliminate the one who got the fewest votes and to repeat the taking of ballot till larger number of votes were secured between the two remaining contesting candidates. Government direct that, under no circumstance, should such an irregularity be allowed to occur in future and that the procedure prescribed in the rule should be strictly followed

The Deputy Commissioners of Districts are requested to issue instructions accordingly to the Presidents of Town and Minor Municipal Councils in this behalf.

By Order,

[illegible]
Secretary to Government, [illegible] Department

To The Deputy Commissioners of Districts

Pages 1–12